

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:21-cv-0137-FL

360 VIRTUAL DRONE SERVICES LLC
et al.,

Plaintiffs,

V.

ANDREW L. RITTER, in his
official capacity as Executive
Director of the North Carolina
Board of Examiners for
Engineers and Surveyors,
et al.,

Defendants.

REMOTE VIDEOCONFERENCE 30(b)(6) DEPOSITION
of
ANDREW L. RITTER
(Taken by Plaintiffs)
Thursday, January 20th, 2022
1:52 p.m.

Reported by: Leslie Christian Lentkowski

1 APPEARANCES:

2 On Behalf of the Plaintiffs:

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11 On Behalf of the Defendants:

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19 Also Present:

20 John M. Logsdon, PLS
21 North Carolina Board of Examiners for Engineers and
22 Surveyors
23
24
25

E X A M I N A T I O N S

Witness

Page

Andrew L. Ritter

By Mr. Gedge

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P R O C E E D I N G S

Whereupon,

ANDREW L. RITTER, having been previously
sworn by declaration under penalty of perjury,
testified as follows:

EXAMINATION

BY MR. GEDGE:

Q. Mr. Ritter, we will turn over to the entity
deposition. And so do you understand that you're also
here today to testify not just about your personal
knowledge but also as a representative of the Board of
Examiners for Engineers and Surveyors?

A. Yes.

Q. Okay. I will introduce the notice of
30(b)(6) deposition. All right. I just posted
Exhibit 38, and it's under the folder that says "Andrew
Ritter," not deposition of board of engineers. Let me
know if you have any trouble finding it.

A. 38?

Q. Yes.

A. I got it.

Q. Have you seen this document before?

A. Yes.

Q. Okay. This is the notice of 30(b)(6)
deposition to the board, right?

1 A. Yes.

2 Q. Do you understand that you have been
3 designated as the representative of the board to
4 testify on the board's behalf as to Topics 1, 2, 3, 4,
5 5, 6, 7, 8, 9, 10, 12, 13, and 14?

6 A. Yes.

7 Q. And are you prepared to testify as the
8 board's representative on those topics?

9 A. Yes.

10 Q. Can you tell me briefly what steps you've
11 taken to prepare to testify on the board's behalf
12 today?

13 MR. HANNA: Object to the question if
14 it at all covers any discussions he may have had with
15 his attorney.

16 BY MR. GEDGE:

17 Q. And to the extent you can answer that
18 without telling me about your conversations with
19 Mr. Hanna.

20 A. Okay. I've -- the preparation I did was
21 read the materials that are in front of me.

22 Q. And by that, do you mean the notice of
23 deposition itself?

24 A. If that's what this is, yes.

25 Q. Right. Exhibit 38?

1 A. Yes.

2 Q. Okay. Did you review any other materials
3 in preparation to testify as the board's designee?

4 A. I'm not sure what you mean, but I read the
5 360 drone report. That may be the extent of it. I
6 read some of the materials that have been sent to me.
7 I mean, there's been so much sent, so I've read
8 materials that have been sent to me.

9 Q. Okay. And when you said "the 360 drone
10 report," was that Mr. Schall's expert report?

11 A. No. But I did read Schall's expert report.

12 Q. Okay. Sorry. When you referred to the 360
13 drone report, was that the investigative report or --

14 A. Yes, our investigative report.

15 Q. Gotcha. Okay. How long did you take to
16 prepare for the entity part of the deposition?

17 MR. HANNA: Objection to form.

18 BY MR. GEDGE:

19 Q. I'll do it again. How much time did you
20 spend preparing for this part of the deposition that we
21 just started?

22 MR. HANNA: Object to form.

23 BY MR. GEDGE:

24 Q. You can answer it if you understand what I
25 said.

1 A. I can't guess. I don't know how much time.

2 Q. Did you spend more than five minutes
3 preparing for this deposition?

4 A. I did. I spent more than five minutes.
5 It's not hours.

6 Q. Okay. Somewhere between five minutes and
7 an hour. Is that fair?

8 A. That's fair.

9 Q. Okay. As we discussed earlier, you're the
10 executive director of the board, right?

11 A. Yes.

12 Q. And you've worked for the board as
13 executive director since 2001?

14 A. Correct.

15 Q. Okay. And in other capacities since 1993?

16 A. Correct.

17 Q. I'm going to post Exhibit 39. Do you have
18 that in front of you?

19 A. Yes.

20 Q. Okay. Have you seen Exhibit 39 before?

21 A. Yes.

22 Q. Okay. Can you tell me what it is?

23 A. Can I tell you what it is? Can I just read
24 the title? "Defendant's responses to plaintiff's first
25 set of interrogatories."

1 Q. And I understand that you signed a document
2 attesting to the truth of these responses; is that
3 right?

4 A. Yes.

5 Q. I'll just post that as well.

6 I posted Exhibit 40, which I think is your
7 verification. If you want to take a look and confirm,
8 I would appreciate it.

9 A. Yes. I'm confirming it's a verification.

10 Q. Turning to Exhibit 39, the interrogatory
11 responses, I would like us to scroll down to
12 Interrogatory 10. Just a second. On Page 13, you'll
13 see Interrogatory 10.

14 A. Page 13, you said?

15 Q. Yes.

16 A. Okay.

17 Q. Let's read it for the transcript. So
18 Interrogatory 10 asks the defendant to state each
19 governmental interest that you contend is advanced by
20 preventing plaintiffs from creating, processing, and
21 disseminating data about land and structures (including
22 data about distances, coordinates, elevations, and
23 volumes), right?

24 A. Yes.

25 Q. So you're welcome to read the response --

1 kind of the boldface response to that. It's about
2 three or four pages long. I'll tell you the part I'm
3 interested in is just toward the very bottom of that
4 first page. I'm happy for you to read as much of it as
5 you want, and once you've done that, let me know and we
6 can talk about it.

7 A. You're referring to the bottom of Page 13?

8 Q. Yeah.

9 A. I'm ready for your question.

10 Q. Okay. Great. So there's a fair amount of
11 lead-up in here, but the final full sentence on Page 13
12 says, "The purpose of the Act is to 'safeguard life,
13 health, and property, and to promote public welfare.'"
14 Do you see that?

15 A. Yes.

16 Q. Am I correct that those are the
17 governmental interests that the defendant contends the
18 act exists to further?

19 MR. HANNA: Object to form.

20 THE WITNESS: Yeah. I kind of lost
21 you on the question.

22 BY MR. GEDGE:

23 Q. Okay. So the interrogatory asks the
24 defendant to state governmental interests, right, that
25 are advanced by regulating certain kinds of information

1 under the licensure statute, right?

2 A. Yes.

3 Q. And my question for you is if we look at
4 this sentence, it says, "The purpose of the Act is to
5 'safeguard life, health, and property, and to promote
6 the public welfare.'" My question for you is is
7 safeguarding life, health, and property and promoting
8 the public welfare, are those the governmental
9 interests that are furthered by the act -- by this act?

10 A. Yes.

11 Q. Okay. Can you identify any other interests
12 that the act serves?

13 A. Yes.

14 Q. Okay. What interests?

15 A. What 89-C does is it -- we have a sentence
16 that reads -- and, again, I'm paraphrasing. I don't
17 have it in front of me. Gross negligence,
18 incompetence, and misconduct -- we're telling the
19 public that we may -- we're hiring a licensed surveyor,
20 there's a bar, and the licensed work is going to be
21 above that bar. It's going to be above incompetence,
22 gross negligence, and misconduct. And if it's not
23 above the bar, then the board can hold the licensee
24 responsible for his actions.

25 We're also establishing a minimum level of

1 competence via the three E's -- the education, exam,
2 and experience. When somebody gets licensed, what
3 we're telling the citizens of North Carolina is they
4 have met a minimum level of competence, and the work
5 they're going to receive from that licensee meets that
6 minimum level of competence. If it doesn't, again,
7 then the board by statute has the ability to remedy the
8 situation.

9 Q. All of that makes sense to me. It honestly
10 sounds kind of like that all falls under the broader
11 umbrella of safeguarding life, health, and property and
12 promoting the public welfare. Is that fair to say?

13 A. I wouldn't disagree with that. Yes, I
14 would agree with that.

15 Q. Beyond what you just described, are there
16 any other governmental interests that are served by the
17 statute?

18 A. Not that I can think of.

19 Q. I talked with Mr. Schall about this a
20 little bit yesterday, and I did touch on the board's
21 view too. I understand the board's position to be that
22 providing a client with a 3D digital model or a
23 measurable orthomosaic map -- providing a client with
24 that kind of information counts as surveying, right?

25 A. Yes. As you described it, I think it meets

1 the statutory definition of surveying.

2 Q. My question is would it be surveying for a
3 non-licensee to create a measurable orthomosaic map of
4 their own property for their own personal use? Does
5 that also fall within the definition of surveying?

6 A. Oh, boy. I don't know. There's -- there
7 is a line of what you can do for yourself that's okay,
8 and you cross it at a certain point where it becomes
9 available for public consumption. So as you described
10 the question, if I did an orthomosaic map for my
11 property and it wasn't available for public
12 consumption, I don't think that's surveying in
13 North Carolina. If it becomes available for public
14 consumption, I believe that would cross the line.

15 Q. Okay. What do you mean by "public
16 consumption"? Selling it to somebody else or something
17 else?

18 A. If you survey your boundary and you record
19 that down at the Register of Deeds Office, your
20 boundary is also somebody else's boundary. So even
21 though you're surveying your property, if it's out
22 there for public consumption, your boundaries are also
23 somebody else's boundaries.

24 Q. That makes perfect sense. I mean, I assume
25 that -- well, maybe you can tell me. If a non-licensee

1 just walks down to the local Register of Deeds with,
2 like, a crayon drawing map of their backyard and tries
3 to register it as a survey, I assume that the Register
4 of Deeds isn't going to accept that, right?

5 A. No, that's not correct. The Register of
6 Deeds would accept it.

7 Q. Good. So maybe you can explain that. How
8 does that work?

9 A. So the Register of Deeds is not my
10 bailiwick, so to speak. What I understand about the
11 Register of Deeds Office is their job is not to check
12 that crayon drawing. Their job is to record that
13 drawing.

14 Q. Is it your understanding that they check to
15 see whether a plat or a survey has been stamped by a
16 surveyor?

17 A. I do not know. And, again, we don't -- the
18 Register of Deeds is considered the Secretary of
19 State's Office in North Carolina, and what a Register
20 of Deed does and does not do, I do not know.

21 Q. That's fair.

22 A. I did not know if that's a requirement. I
23 do not know if a map that's attached to a deed has to
24 be -- I don't know if the Register of Deeds requires
25 that to be signed and sealed.

1 Q. From the board's perspective, the board
2 would say that that has to be signed and sealed?

3 A. We would say that map has to be signed and
4 sealed.

5 Q. Okay. I think I understand kind of the
6 line we're drawing there between, you know, your
7 personal map down to the courthouse.

8 But am I right that -- I think we're on the
9 same page. If you're not presenting your orthomosaic
10 map to the world for public consumption in one way or
11 another if you made an orthomosaic map of your own
12 property for your own use on your own land, am I right
13 that that does not fall within the definition of
14 surveying?

15 A. Following your scenario, that would be
16 correct.

17 Q. Okay. I think Mr. Schall had the opposite
18 view yesterday -- maybe not the opposite. As I
19 understood, he was saying he thought that technically
20 it would qualify, but then he didn't think anyone at
21 the board would care enough to do anything about it.

22 As I understand it, your view seems a
23 little bit different in that you just don't think it
24 qualifies in the first place. Am I understanding that
25 correctly?

1 A. Well, that goes back to my original --

2 MR. HANNA: Let me interject and just
3 say that I object to the form and the summary of
4 Mr. Schall's testimony. To the extent that you heard
5 that testimony, you can answer.

6 THE WITNESS: Well, it goes back to my
7 original issue. There's a line there, and I would need
8 some really -- some micro-specifics to tell you where
9 the line is. We get scenarios here where somebody is
10 building a place of assembly on their own property, and
11 if you bring the public in to that place of assembly,
12 all of a sudden does that take it away from the owner's
13 right to not have to do things according to the law
14 because it's their own property? So there is a line
15 there. I do not know where Mr. Schall was drawing the
16 line. Like I said, I'm going to stick with my answer
17 before. Sometimes it's okay, but sometimes you cross
18 the line. I need some micro-specifics.

19 BY MR. GEDGE:

20 Q. And what kind of specifics would be helpful
21 to you in making that analysis?

22 A. If you drew an orthomosaic map and nobody
23 knew about it, how would I know about it? If you drew
24 an orthomosaic map for yourself and I knew about it,
25 how did I know about it? Those are the micro-specifics

1 this board would look at. If it ended up in the
2 board's hands, the question is how did it end up in the
3 board's hands? And usually that means it wasn't just
4 for the owner's use. Somehow it ended up in the public
5 domain. If it ended up in the public domain, we would
6 would to take a look at what its use and intent was
7 for.

8 Q. Okay. This will probably sound a bit
9 familiar from yesterday, but does the board have
10 evidence that it's more common here in Virginia than in
11 North Carolina for members of the public to be harmed
12 by inaccurate orthomosaic maps?

13 A. Yeah. I no information on what happens in
14 Virginia.

15 Q. Okay. And, again, you're testifying as the
16 board's representative, right?

17 A. Correct.

18 Q. Okay. Similar question. Does the board
19 have any evidence that inaccurate orthomosaic maps
20 cause more instances of harm in Virginia than they do
21 in North Carolina?

22 A. My answer is going to be the same. I have
23 no information on Virginia.

24 Q. Okay. And, likewise, I assume the board
25 does not have any evidence that inaccurate orthomosaic

1 maps cause more severe harm in Virginia than in
2 North Carolina?

3 A. I have no information on what transpires in
4 Virginia.

5 Q. Similar question for the 3D digital models
6 -- does the board have any evidence that it's more
7 common in Virginia than in North Carolina for members
8 of the public to be harmed by inaccurate 3D digital
9 models?

10 A. I have no information on what goes on in
11 Virginia.

12 Q. Okay. Does the board have any evidence
13 that inaccurate 3D digital models cause more instances
14 of harm in Virginia than they do in North Carolina?

15 A. I have no information on what goes on in
16 Virginia.

17 Q. Thank you for indulging me. This will not
18 go on forever. Just a few more.

19 Does the board have any evidence that
20 inaccurate 3D digital models cause more severe harm in
21 Virginia than they do in North Carolina?

22 A. I have no information on what goes on in
23 Virginia.

24 Q. Moving to Kentucky, is your answer the
25 same?

1 A. Yes, sir.

2 Q. Okay. Mississippi?

3 A. Yes.

4 Q. All of the states in the union?

5 A. Yes. My answer would be my only
6 information will be for what happens in North Carolina,
7 and I have no information on what goes on outside of
8 our borders.

9 Q. Does the board -- as I understand it, the
10 board does not have any evidence comparing how common
11 it is for members of the public to be harmed by
12 inaccurate orthomosaic maps in North Carolina versus
13 any other state in the nation?

14 A. That's correct.

15 Q. And the board does not have any evidence
16 comparing how common it is for members of the public to
17 be harmed by unlicensed orthomosaic maps in
18 North Carolina versus any other state in the nation?

19 A. That's correct.

20 MR. HANNA: Object to the form.

21 BY MR. GEDGE:

22 Q. And by "unlicensed orthomosaic maps," I
23 mean they are maps that are created by someone who is
24 not a licensed surveyor.

25 MR. HANNA: Object to form.

1 THE WITNESS: I didn't quite
2 understand that one.

3 BY MR. GEDGE:

4 Q. Oh, sure. I was just clarifying.

5 I think my question referred to unlicensed
6 orthomosaic maps, and what I meant by that term is a
7 map that's created by somebody who's not a licensed
8 surveyor. Does that make sense?

9 A. Maybe you can say the whole question again.

10 Q. Sure. Does the board have any evidence
11 comparing how common it is for members of the public to
12 be harmed by unlicensed orthomosaic maps in
13 North Carolina versus any other state?

14 MR. HANNA: Object to form.

15 THE WITNESS: No.

16 BY MR. GEDGE:

17 Q. Does the board have any evidence comparing
18 how common it is for members of the public to be harmed
19 by inaccurate 3D digital models in North Carolina
20 versus any other state?

21 MR. HANNA: Object to form.

22 THE WITNESS: No.

23 BY MR. GEDGE:

24 Q. Does the board have any evidence comparing
25 the -- how common it is for members of the public to be

1 harmed by inaccurate volumetric calculations in
2 North Carolina versus any other states?

3 A. No.

4 MR. HANNA: Same objection to form.

5 BY MR. GEDGE:

6 Q. Are you familiar at all with how other
7 states define surveying?

8 A. Not so much. Some. Some. Not so much. I
9 heard Mr. Schall -- I know a little bit about
10 South Carolina, but that's about it.

11 Q. I think Mr. Schall testified yesterday that
12 -- and I think he said in the past few years something
13 around 33 states license photogrammetry. Did you
14 remember him testifying to that?

15 A. Yes.

16 Q. Do you have any reason to think he's wrong
17 about that?

18 A. No.

19 Q. I think he said that 17 states -- I think
20 within the past few years, 17 states did not license
21 photogrammetry, right?

22 A. Yes. I heard him say that. I don't have
23 information whether that's accurate or not. I have no
24 reason to doubt it.

25 Q. It's my understanding that some states

1 create an exemption from licensure for employees when
2 they're simply performing surveying on their employer's
3 property. I don't think North Carolina has that
4 exemption, but am I wrong on that? Does North Carolina
5 have an exemption that resembles that?

6 A. Yes, we do. Now -- go ahead. I'm sorry.

7 Q. Explain that.

8 A. Well, the answer is yes, and then the
9 second part is maybe. The previous question, if you're
10 working for your employer and the work product is for
11 your employer, you don't need to be licensed except if
12 that product is going to be used for public
13 consumption.

14 Q. I'm sorry. It's probably my fault, but can
15 you repeat that?

16 A. So we have what's called the industrial
17 exemption in North Carolina, which says if you're
18 performing this service for your employer, not for the
19 public, you don't need to be licensed. However, if
20 your work product is to be out in the public for public
21 consumption, then the industrial exemption does not
22 apply.

23 So an example of that is more common in the
24 engineering world where you'll do the engineering for
25 your company, but you can't call that person on the

1 phone and ask him for engineering services. You see
2 that more on the engineering side. You don't see it
3 much on the surveying side because there's not much
4 surveying that's not going to be out in the public. So
5 if you're working for Duke Energy and you're surveying
6 the easement lines, those easements are going to be in
7 the public and the industrial exemption doesn't apply,
8 and that work of surveying has to be signed and sealed.

9 Q. Okay. I see.

10 MR. HANNA: Just for my clarification,
11 Sam, what topic are you under right now from the
12 30(b)(6)?

13 MR. GEDGE: Let me pull it up. It's,
14 I think, 6 -- between 6 and 9. All of them with the
15 notes.

16 MR. HANNA: 6, 7, 8, and 9 seem to be
17 about the basis for each governmental interest that the
18 board contends is advanced by North Carolina's
19 surveying licensing law, but I thought -- you seem to
20 be getting into the industrial exemption or what's in
21 the -- I'm not sure it relates to governmental
22 interests, but go ahead. I didn't -- this is not a
23 topic that we covered prior to coming here, so go
24 ahead. You can go a little bit. I just -- this is
25 getting a little far field.

1 MR. GEDGE: That's fine.

2 BY MR. GEDGE:

3 Q. Mr. Ritter, we're talking about the
4 industrial exemption. Give your best answer. It seems
5 like you're familiar with it. I lost track a little
6 bit, but just to make sure I understand how the
7 industrial exemption works, let's say you have a
8 company that owns a piece of land and they're planning
9 to build a private facility for themselves on that
10 piece of land, and as part of that, they construct it
11 themselves. They are digging a hole, and one of their
12 employees does some volumetric calculations as part of
13 helping his employer build this facility. Is that --
14 would that be the kind of scenario that would fall
15 within the industrial exemption, or am I not --

16 A. To my knowledge, that --

17 MR. HANNA: I want to object again to
18 that question. I'm not sure that's covered by the
19 notice of deposition, but you can answer. Go ahead.

20 THE WITNESS: To my knowledge, that
21 would be an activity that would not require a license.
22 If you're establishing the volume of that hole for your
23 employer on his property, it's my belief that that
24 doesn't need a license and that comes under the
25 industrial exemption.

1 BY MR. GEDGE:

2 Q. Okay. But if the employer instead were to
3 hire 360 Virtual Drone Services to do those same
4 volumetric calculations, am I understanding correctly
5 that that would not fall within the industrial
6 exemption?

7 A. That is correct.

8 Q. As though the person actually performing
9 the calculations doesn't have a surveyor license?

10 A. Well, we would require 360 Drone to have a
11 surveyor license to do it.

12 Q. Exactly. But just to clarify, in each of
13 those scenarios if the employee is performing those
14 volumetric calculations without a surveyor license,
15 that's okay because he falls within the industrial
16 exemption, right?

17 A. Yes. That's in the statute as an
18 exemption.

19 Q. Okay. And am I correct that if 360 Virtual
20 Drone performs those same volumetric calculations for
21 the employer, they would be in violation because they
22 are not an employee of the property owner?

23 A. Correct. They would not come under the
24 industrial exemption clause. Therefore, they would
25 need a license to do that.

1 Q. Okay. Thank you. I think we're getting
2 pretty close, Mr. Ritter. Why don't we take another
3 five minutes and I can see how much more we have, and
4 we can hopefully wrap it up. Sound good?

5 MR. HANNA: Sounds good.

6 (A break was taken.)

7 BY MR. GEDGE:

8 Q. Mr. Ritter, I posted Exhibit 31 in your
9 folder. It's Mr. Schall's expert report. As I
10 understand it, you have looked at that before; is that
11 right?

12 A. Yes.

13 Q. Just scroll down to pages -- well, Page 15.
14 We can start out -- I'll give you a chance to get
15 there.

16 A. Okay.

17 Q. On Page 15, there's a section of the report
18 that's entitled "Specific Issues Raised in the
19 Complaint." Have you had a chance to read this section
20 specifically?

21 A. Yes.

22 Q. Okay. In this section, Mr. Schall offers
23 opinions on what kinds of services or products do and
24 do not qualify as surveying under the North Carolina
25 statute. Is that a fair characterization?

1 A. Yes.

2 Q. Okay. Does the board disagree with any
3 part of Mr. Schall's opinion in this section?

4 A. I don't think so.

5 Q. I guess just for clarity, by "this
6 section," I mean the section starting with "Specific
7 Issues Raised in the Complaint" and going through to
8 the end of the report on Page 16.

9 A. Okay. I was on Letter A.

10 Q. Well, we can go chunk by chunk. It sounds
11 like you looked over Letter a. The board doesn't
12 disagree with Ms. Schall's opinion there?

13 A. Correct.

14 Q. Okay. You can march on to Letter B, and
15 once you've had a chance to look at that, I will have
16 the same question.

17 A. So under Letter B, I think his opinion is
18 correct as well.

19 Q. Okay. And Letter C?

20 A. His opinion is correct as well.

21 Q. Okay. And same for D?

22 A. Yes, sir.

23 Q. Okay. Does providing orthomosaic maps to a
24 client for free as opposed to for compensation also
25 fall within the definition of surveying in the board's

1 view?

2 A. 89-C is silent on cost. Whether it's free
3 or you charge, it doesn't change what the product is.

4 Q. Okay. So the analysis is the same
5 regardless of whether money changed hands?

6 A. That's correct.

7 Q. When we were discussing your testimony in
8 your personal capacity, we talked about disclaimers a
9 little bit. Do you remember that?

10 A. Yes, sir.

11 Q. So now that you're sitting here as the
12 board or on the board's behalf, is it fair to say that
13 you are not aware of any instance where the board has
14 informed a non-licensee that they can provide
15 orthomosaic maps to a client as long as they include
16 some kind of disclaimer language on their map?

17 MR. HANNA: Just for the record, when
18 you say "orthomosaic maps," have we defined that?

19 MR. GEDGE: I'm happy to. So for
20 purposes of these questions, when I'm saying
21 "orthomosaic maps" --

22 MR. HANNA: And the reason why I asked
23 that is because initially Mr. Jones testified that he
24 provided orthomosaic maps, but then he testified that
25 he essentially turned it into a PDF and provided it in

1 that form. And so I just think that it's important
2 when these kinds of questions are being asked or
3 hypotheticals are being given that the precise product
4 or data that is being discussed is properly identified.

5 BY MR. GEDGE:

6 Q. So, Mr. Ritter, for purposes of these
7 questions, I'll use "orthomosaic map" in the shorthand,
8 but what I mean is an orthomosaic map that's qualified
9 as surveying. So whether that's an orthomosaic map
10 that has coordinate metadata in it or geo-referencing
11 information, it is a map that on its own, you, the
12 board, would say is surveying. Does that make sense?

13 A. Yes, sir.

14 Q. Okay. So I guess circling back to my
15 question, that is -- as the board's designee, can you
16 point to any instance where the board has informed a
17 non-licensee that they can give an orthomosaic map to a
18 client as long as they include some kind of disclaimer
19 language on that map?

20 A. I don't recall that happening.

21 Q. Okay. I have a similar question for 3D
22 digital models. As the board's designee, can you point
23 me to any instance where the board has informed a
24 non-licensee that they can provide 3D digital models to
25 a client as long as they include certain disclaimer

1 language with that?

2 A. Not that I recall.

3 Q. Just to close the loop on that line of
4 questioning about other states, the board does not have
5 any information about harms caused by unlicensed
6 surveying in other states; is that right?

7 MR. HANNA: Object to form.

8 THE WITNESS: No.

9 BY MR. GEDGE:

10 Q. Okay. It might have been that I asked a
11 bad question, but I still think that -- I'll ask
12 another question.

13 Does the board have any information about
14 harms caused by unlicensed surveying in other states?

15 MR. HANNA: Object to form.

16 THE WITNESS: I don't think I
17 understand the question. If I could ask you a question
18 if that's okay -- what do you mean by information
19 presented at the board?

20 BY MR. GEDGE:

21 Q. Not by the board, but is the board in
22 possession of any evidence about the number of
23 instances of photogrammetry malpractice in different
24 states?

25 A. No.

1 Q. Okay. Give me one minute.

2 That's all I have for now, Mr. Ritter.

3 I'll let Mr. Hanna ask any questions if he would like.

4 MR. HANNA: I have no questions.

5 MR. GEDGE: Thank you, Mr. Ritter. I
6 appreciate it.

7 (Proceedings concluded at 2:41 p.m.)

8 (Signature reserved.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NORTH CAROLINA)

3 COUNTY OF WAKE)

4
5 I, Leslie Christian Lentkowski, the officer
6 before whom the foregoing remote videoconference
7 30(b)(6) deposition was taken, do hereby certify that
8 the witness whose testimony appears in the foregoing
9 remote videoconference 30(b)(6) deposition was taken by
10 me to the best of my ability and thereafter reduced to
11 typewriting under my direction; that I am neither
12 counsel for, related to, nor employed by any of the
13 parties to the action in which this remote
14 videoconference 30(b)(6) deposition was taken, and
15 further that I am not a relative or employee of any
16 attorney or counsel employed by the parties thereto,
17 nor financially or otherwise interested in the outcome
18 of the action.

19 4th day of February, 2022.

20
21 *Leslie Christian Lentkowski*
22

23 _____
LESLIE CHRISTIAN LENTKOWSKI

Notary Public in and for

24 County of Wake

State of North Carolina

25 Notary Public No. 201221300088